

the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-24 and 29-31 of copending Application No. 08/500,178 in view of Lawrie '849.

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (b) and (c) will be filed by applicant when appropriate.

Claims 11 through 30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-24 and 29-31 of copending Application No. 08/500,178 in view of Stroop '475.

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (b) and (c) will be filed by applicant when appropriate.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '188 in view of Lawrie ' 849.

Examiner contends that "Mills discloses a double-ended wrench (12) and a movable wrench grip (20) (see Fig. 5) which may be positioned at either end of the double ended wrench and whereby movement of the grip (20) is confined by the two wrench heads."

Applicant respectfully points out that the double-ended wrench (12) and wrench grip (20) are in different drawings and the exact relationship of there combination is assumed by the examiner. In addition, Applicant must point out that Mill's does not disclose a "movable wrench grip " as suggested by the examiner in Fig 5., but instead Mills discloses a "nut-holder attachment in Fig. 5 wherein the cuff is a handle grip", see page 2 lines 54 and 55. Also in addition, Mills teaches away from a "movable" grip that is formed "shorter than" and for "movement along the elongated handle" as claimed by applicant. Mill's specifically states that "The handle grip (20) is preferably of sufficient length to be secure on the handle when it is clamped upon the shank of the wrench. In this instance, the handle grip may be as long as the shank of the wrench inasmuch as it is structured so that the arm of the nut-holding attachment slides within the handle grip.," see page 2 lines 58-64. Applicant respectfully suggests that if the examiner wishes to cite a specific embodiment (Fig. 5.) of Mills, the examiner should then rely only upon the disclosure relating to that embodiment. It is clear that Mills does not want his handle grip to slide along the shank of the wrench, but rather for the nut-holding attachment to slide within the handle grip. In fact, Mill's invention

would not work properly if both the handle grip and the nut-holding attachment were both allowed to slide together, because the nut-holding attachment would at times fall out of the grip handle if the grip handle was shorter than the wrench shank, and allowed to slide along the wrench shank.

Applicant believes that the above arguments should overcome the rejections relating to Mills, and therefore Lawrie should no longer be an issue. However, Applicant does wish to argue the Lawrie patent.

Examiner contends that "Lawrie teaches that it is known in the art to form an outer tool-encircling member (10) such that the ends (34,42) of the inner cavity have a dimension greater than a dimension of a central part of the cavity." Examiner further contends that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the grip member of Mills by forming the ends of the cavity with a dimension greater than that of the central part as taught by Lawrie in order to minimize the surface area of the grip which would come in contact with the head of the tool."

Applicant believes the Examiner does not comprehend the Applicants present invention. The Applicant does not wish to minimize the surface area of the grip which would

come in contact with the head of the tool. In fact the Applicant suggests to the contrary, see Figs. 4,5,10 and 11. Applicant in these figures is trying to increase contact between grip and wrench head. Applicant clearly states the objective of the present invention modified wrench grip on page 5, lines 1-13. "In some embodiments, the gripping means of the present invention may have a cavity with a central part and two ends, and at least one of the two ends may have a dimension greater than a dimension of the central part. In the same or other embodiments of the present invention, the gripping means may have an inner and outer member, with the outer member extending beyond the inner member. In both cases, these features permit movement of the wrench grip close to or partially onto a wrench head, thereby providing a comfortable transition between grip and wrench head for the user, and keeping the other end of the wrench (head and handle) free and clear of the grip for normal operation and fastener engagement." Additional disclosure is found on page 14, lines 3-11, where Applicant states that "Recognition of these wrench neck areas and modifications of the gripping means cavity to accommodate these neck areas is an important feature of the present invention gripping means. This feature permits movement of the gripping means to or partially onto a wrench head, which

provides a user with a comfortable transition between the gripping means and the wrench head it is next to, while maintaining minimal free play and wobble between gripping means and wrench."

In addition, Applicant discloses and claims a "double-ended wrench" and a "gripping means" for same. Lawrie does not disclose one element of the present invention. Lawrie does not disclose a wrench grip, a double-ended wrench, or even a wrench for that matter. Applicant respectfully questions the appropriateness of the Lawrie prior art, because the examiner's interpretation of this prior art as stated above, would teach one of ordinary skill away from Lawrie. The present invention is a "gripping means for a double-ended wrench", with specific adaptations for a "double-ended wrench". Since Lawrie does not disclose or claim a "gripping means" or a "double-ended wrench", there would be no motivation for one to combine the teachings of Mills with Lawrie to solve the specific adaptation concerns of a "gripping means" developed for a "double-ended wrench."

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '188 in view of Lawrie '849 as applied above, and further in view of Distiso '530.

Applicant believes that the above arguments should overcome the rejections relating to Mills and Lawrie, and therefore Distiso should no longer be an issue. However, Applicant wishes to argue the Distiso patent.

Applicant wishes to point out that the Distiso patent is directed to a rotary "toothbrush", and the "longitudinally bisected handle" is specifically adapted for rotary use on a toothbrush, not a double-ended wrench, or even a wrench for that matter. Further more, the Distiso patent does not solve the specific adaptation concerns of a "gripping means" developed specifically for a "double-ended wrench," and therefore, Applicant believes there would be no motivation for one to combine the teachings of Mills with Lawrie and Distiso.

Claims 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '188 in view of Stroop '475.

Applicant believes that the above arguments should overcome the rejections relating to Mills, and therefore Stroop should no longer be an issue. However, Applicant wishes to argue the Stroop patent.

The Examiner contends that "Stroop teaches that it is known in the art to form a gripping means with both an inner member (15) and an outer member (19) in order to provide for affording handgrips of adjustable widths to accommodate

various individuals (see abstract)."

Again, Applicant questions whether the Examiner fully comprehends the present invention as disclosed. The applicant contemplates and discloses a gripping means for a double-ended wrench having an inner and outer member with the outer member being substantially elastic. The main objective of the present invention inner and outer member is clearly stated on page 5, at line 22 through page 6, line 7. "The outer member is positioned upon and stretched around the inner member to provide continuous pressure around the inner member and keep the inner member together on the wrench. This arrangement also provides friction between the inner member and the wrench so that unintentional movement of the grip along the wrench is prohibited while intentional movement of the grip along the wrench is permitted when sufficient force is applied to the grip to render it movable along the wrench." Therefore, it is not the relevant objective of the present invention gripping means inner and outer members to "provide for affording handgrips of adjustable widths to accommodate various individuals," but rather, to keep the grip together on the wrench and provide some friction between the wrench grip and wrench when the grip is moved along the wrench elongated handle.

In addition, the Stroop grip is clearly fastened and fixed to the tool shank with fasteners. This totally contradicts the objective of the present invention which is a gripping means that is formed for movement along the elongated handle of a double-ended wrench. In view of the fundamental differences in structure and objective between the present invention and Stroop, Applicant believes there would be no motivation for one of ordinary skill in the art at the time, to combine the teachings of Mills with Stroop.

Examiner contends "Regarding claims 15,18,20,25,28 and 30, column 4, lines 27-35 of Stroop state that variations in size, materials shape and form of the adjustable handgrip are readily apparent and obvious to one of ordinary skill in the art. Therefore, forming the outer grip member of any particular length relative to the inner member would have been obvious to one of ordinary skill in the art."

Applicant wishes to argue the fact that Stroop does not contemplate, disclose or claim a gripping means specifically adapted to accommodate the neck areas of a double-ended wrench as stated above. Stroop is referring to variations in size to the grip, not variations in size of the different components relative to each other which has a profound affect on structure and function, and in the case of the present invention provides for "a comfortable transition



between grip and wrench head for the user, and keeping the other end of the wrench (head and handle) free and clear of the grip for normal operation and fastener engagement.," page 5, lines 9-13.

Referring now to the added claim 31 of the present invention, the language has been changed to specifically counter the language and disclosure of Mills '188 and Lawrie '849. In the only embodiment cited by the Examiner, Mills uses the following language to describe his nut-holding attachment and handle grip. "The handle grip (20) is preferably of sufficient length to be secure on the handle when it is clamped upon the shank of the wrench. In this instance, the handle grip may be as long as the shank of the wrench inasmuch as it is structured so that the arm of the nut-holding attachment slides within the handle grip. The handle grip has a large slot (21) which is sized to fit about the shank of a wrench and fit relatively securely so that there is a minimum of wobble or movement between the handle grip (20) and the wrench." page 2 lines 58-67.

When referring to the gripping means in claim 31, Applicant uses "shorter than" to counter Mills "as long as"; and, Applicant uses "substantial movement" to counter Mills "minimal movement"; and, Applicant further adds that the

gripping means is positionable at each end of the elongated handle "without being removed from said double-ended wrench", which is an impossible function of Mills.

Applicant further adds in claim 31 "and said cavity further having at least one end adapted to accommodate at least one of said neck areas." This added language should fully differentiate the present invention from Lawrie.

In view of the above amendments and remarks it is urged that claims 1 through 30 should no longer be rejected under 35 USC 103. Applicant believes that claims 1 through 31 are in condition for allowance, and an early and favorable response is earnestly solicited.

In addition, Applicant hopes that the Examiner will recognize Applicants' diligence and good faith efforts regarding this pro se case.

Thank you.

Respectfully Submitted,

Dated September 17, 1997

A handwritten signature in cursive script, reading "Richard J. Macor", is written over a horizontal line. A long, sweeping diagonal line extends from the end of the signature towards the upper right corner of the page.

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